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REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 1, 2005. Reconsideration and allowance of the application and presently pending claims 27-78, as presented, are respectfully requested.

1. Response to Rejection of Claims 27-55 and 58-78 Under 35 U.S.C. §103

In the Office Action, claims 27-55 and 58-78 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Everett* (U.S. Pat. No. 4,857,912), in view of *Lacombe* (U.S. Pat. No. 5,309,144). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 27

As provided in independent claim 27, Applicants claim:

A detection system for detecting the presence of an image capture device in the vicinity of a person, the detection system comprising *an indicator unit installed in or on the image capture device, the indicator unit being configured to emit an indicator signal to the person to indicate the presence of the image capture device in the vicinity of the person, whereby detection of the indicator signal by a remote detection unit causes the remote detection unit to alert the person of the presence of the image capture device.*

(Emphasis added).

Applicants respectfully submit that independent claim 27 is allowable for at least the reason that the proposed combination of *Everett* in view of *Lacombe* does not disclose, teach, or suggest at least the feature of "an indicator unit installed in or on the image capture device, the indicator unit being configured to emit an indicator signal to the person to indicate the presence of the image capture device in the vicinity of the person, whereby detection of the indicator signal by a remote detection unit causes the remote detection unit to alert the person of the presence of the image capture device," as recited in claim 27.

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As noted in the Office Action, at page 2, *Everett* does not disclose, teach, or suggest "an indicator installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person." Thus, *Everett* fails to disclose, teach or suggest every element of claim 27.

Lacombe also fails to disclose, teach or suggest at least the above recited features of claim 27. For example, *Lacombe* discloses, at most, "an intrusion sensor [that] is employed to activate a transmitter for emitting a selected frequency wave energy challenge transmission upon the detection of an intruder either outside the perimeter or entering the parameter. If the intruder has the portable transceiver present to receive the challenged transmission, it automatically emits a responsive wave energy signal as acknowledgment. A base unit receiver detects the acknowledgement signal and prohibits alarm action." See Abstract. Further, *Lacombe* explains that if transceiver 30 is within range then a sequence of events causes switch means 15 to assume standby state and even if intrusion sensor 10 detects a perimeter violation[,] alarm means 50 and optional warning means 60 are deactivated." See col. 5, lines 50-65. Accordingly, *Lacombe* fails to teach or suggest at least "whereby detection of the indicator signal by a remote detection unit causes the remote detection unit to alert the person of the presence of the image capture device," since the portable transceiver device in *Lacombe* causes deactivation of an alarm action after detecting a "perimeter violation."

Accordingly, the proposed combination of *Everett* in view of *Lacombe* does not teach all of the features of claim 27. Therefore, a *prima facie* case establishing an obviousness rejection by *Everett* in view of *Lacombe* has not been made. Thus, claim 27 is not obvious under the proposed combination, and the rejection should be withdrawn.

b. Claims 28-55 and 58-60

Because independent claim 27 is allowable over the cited art of record, dependent claims 28-55 and 58-60 (which depend from independent claim 27) are allowable as a matter of law for at least the reason that the dependent claims 28-55 and 58-60 contain all the elements and features of independent claim 27. For at least this reason, the rejection of claims 28-55 and 58-60 should be withdrawn.

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Additionally and notwithstanding the foregoing reasons for allowability of claims 28-55 and 58-60, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

c. Claim 61

As provided in independent claim 61, Applicants claim:

A method for detecting the presence of an image capture device in the vicinity of a person, the method comprising:
receiving a stimulus from outside the image capture device;
and
emitting an indicator signal that indicates the presence of the image capture device in the vicinity of the person, whereby detection of the indicator signal by a portable remote detection unit causes the portable remote detection unit to alert the person of the presence of the image capture device.

(Emphasis added).

Applicants respectfully submit that independent claim 61 is allowable for at least the reason that the proposed combination of *Everett* in view of *Lacombe* does not disclose, teach, or suggest at least "emitting an indicator signal that indicates the presence of the image capture device in the vicinity of the person, whereby detection of the indicator signal by a portable remote detection unit causes the portable remote detection unit to alert the person of the presence of the image capture device," as recited in claim 61.

As noted in the Office Action, at page 2, *Everett* does not disclose, teach, or suggest "an indicator installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person." Thus, *Everett* fails to disclose, teach or suggest every element of claim 61.

Lacombe also fails to disclose, teach or suggest at least the above recited features of claim 61. For example, *Lacombe* discloses, at most, "an intrusion sensor [that] is employed to activate a transmitter for emitting a selected frequency wave energy challenge transmission upon the detection of an intruder either outside the

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perimeter or entering the parameter. If the intruder has the portable transceiver present to receive the challenged transmission, it automatically emits a responsive wave energy signal as acknowledgment. A base unit receiver detects the acknowledgement signal and prohibits alarm action." See Abstract. Further, *Lacombe* explains that if transceiver 30 is within range then a sequence of events causes switch means 15 to assume standby state and even if intrusion sensor 10 detects a perimeter violation[,] alarm means 50 and optional warning means 60 are deactivated." See col. 5, lines 50-65. Accordingly, *Lacombe* fails to teach or suggest at least "whereby detection of the indicator signal by a portable remote detection unit causes the portable remote detection unit to alert the person of the presence of the image capture device," since the portable transceiver device in *Lacombe* causes deactivation of an alarm action after detecting a "perimeter violation." (Emphasis added).

Accordingly, the proposed combination of *Everett* in view of *Lacombe* does not teach all of the features of claim 61. Therefore, a *prima facie* case establishing an obviousness rejection by *Everett* in view of *Lacombe* has not been made. Thus, claim 61 is not obvious under the proposed combination, and the rejection should be withdrawn.

d. Claims 62-67

Because independent claim 61 is allowable over the cited art of record, dependent claims 62-67 (which depend from independent claim 61) are allowable as a matter of law for at least the reason that the dependent claims 62-67 contain all the steps and features of independent claim 61. For at least this reason, the rejection of claims 62-67 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 62-67, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

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e. Claim 68

As provided in independent claim 68, Applicants claim:

A method comprising:
transmitting a radio signal from an image capture device;
receiving the radio signal by a remote detection unit carried by
a person, wherein the radio signal is received when the person is in the
vicinity of the image capture device; and
*indicating the presence of the image capture device, via the
remote detection unit, to the person in the vicinity of the image
capture device.*

(Emphasis added).

Applicants respectfully submit that independent claim 68 is allowable for at least the reason that the proposed combination of *Everett* in view of *Lacombe* does not disclose, teach, or suggest at least "indicating the presence of the image capture device, via the remote detection unit, to the person in the vicinity of the image capture device," as recited in claim 68.

As noted in the Office Action, at page 2, *Everett* does not disclose, teach, or suggest "an indicator installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person." Thus, *Everett* fails to disclose, teach or suggest every element of claim 68.

Lacombe also fails to disclose, teach or suggest at least the above recited features of claim 68. For example, *Lacombe* discloses, at most, "an intrusion sensor [that] is employed to activate a transmitter for emitting a selected frequency wave energy challenge transmission upon the detection of an intruder either outside the perimeter or entering the parameter. If the intruder has the portable transceiver present to receive the challenged transmission, it automatically emits a responsive wave energy signal as acknowledgment. A base unit receiver detects the acknowledgement signal and prohibits alarm action." *See Abstract*. Further, *Lacombe* explains that if transceiver 30 is within range then a sequence of events causes switch means 15 to assume standby state and even if intrusion sensor 10 detects a perimeter violation[,] alarm means 50 and optional warning means 60 are deactivated." *See col. 5, lines 50-65*. Accordingly, *Lacombe* fails to teach or suggest at least "indicating the presence of the image capture device, via the remote detection

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unit, to the person in the vicinity of the image capture device," since the portable transceiver device in *Lacombe* causes deactivation of an alarm action after detecting a "perimeter violation."

Accordingly, the proposed combination of *Everett* in view of *Lacombe* does not teach all of the features of claim 68. Therefore, a *prima facie* case establishing an obviousness rejection by *Everett* in view of *Lacombe* has not been made. Thus, claim 68 is not obvious under the proposed combination, and the rejection should be withdrawn.

f. Claims 69-77

Because independent claim 68 is allowable over the cited art of record, dependent claims 69-77 (which depend from independent claim 68) are allowable as a matter of law for at least the reason that the dependent claims 69-77 contain all the steps and features of independent claim 68. For at least this reason, the rejection of claims 69-77 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 69-77, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

g. Claim 78

As provided in independent claim 78, Applicants claim:

A personal device, comprising:
a transceiver configured to receive a radio signal transmitted by
a remote image capture device, the signal indicating at least presence
of the image capture device; and
*a warning device configured to indicate the presence of the
image capture device to a person when in the vicinity of the image
capture device,
wherein the personal device is carried by the person.*

(Emphasis added).

Applicants respectfully submit that independent claim 78 is allowable for at least the reason that the proposed combination of *Everett* in view of *Lacombe* does not

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disclose, teach, or suggest at least "a warning device configured to indicate the presence of the image capture device to a person when in the vicinity of the image capture device, wherein the personal device is carried by the person," as recited in claim 78.

As noted in the Office Action, at page 2, *Everett* does not disclose, teach, or suggest "an indicator installed in or on the image capture device being configured to emit an indicator signal to indicate the presence of the image capture device in the vicinity of the person." Thus, *Everett* fails to disclose, teach or suggest every element of claim 78.

Lacombe also fails to disclose, teach or suggest at least the above recited features of claim 78. As previously described, *Lacombe* discloses, at most, use of a portable device to deactivate an alarm action when in the vicinity of a security system. See col. 5, lines 50-65. Accordingly, *Lacombe* clearly fails to teach or suggest at least "a warning device configured to indicate the presence of the image capture device to a person when in the vicinity of the image capture device, wherein the personal device is carried by the person," as recited in claim 78.

Accordingly, the proposed combination of *Everett* in view of *Lacombe* does not teach all of the features of claim 78. Therefore, a *prima facie* case establishing an obviousness rejection by *Everett* in view of *Lacombe* has not been made. Thus, claim 78 is not obvious under the proposed combination, and the rejection should be withdrawn.

2. Response to Rejection of Claims 56-57 Under 35 U.S.C. §103

In the Office Action, claims 56-57 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Everett* in view of *Lacombe* in further view of *Schieke* (U.S. Publication No. 2002/0075134).

Because independent claim 27 is allowable over the cited art of record, dependent claims 56-57 (which depend from independent claim 27) are allowable as a matter of law for at least the reason that the dependent claims 56-57 contains all features/elements of independent claim 27 and *Schieke* fails to cure the deficiencies of the *Everett* and *Lacombe* references. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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